

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HOWARD A. CARTER,	)	
<i>Plaintiff,</i>	)	Civil Action No. 1:16-cv-00007-BR-SPB
	)	
v.	)	
	)	
	)	
KATHLEEN KANE, et al.,	)	
<i>Defendants.</i>	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court, having considered the Report and Recommendation of Magistrate Judge Susan Paradise Baxter, Plaintiff's Objections, and the balance of record, **HEREBY ORDERS:**

- (1) The Court **PARTIALLY ADOPTS** the Report and Recommendation.
- (2) Defendants Cerwin, Pettri, Cho, and Cherck are **DISMISSED** due to Plaintiff's failure to prosecute.
- (3) Defendant Randolph will not be dismissed until Plaintiff has had an opportunity to submit a USM-285 form; he will have 30 days from the date of this order to do so.<sup>1</sup>
- (4) The Clerk shall send copies of this Order to the parties.

**IT IS SO ORDERED.**

DATED this 12<sup>th</sup> day of December, 2016

s/Barbara J. Rothstein  
Barbara J. Rothstein,  
United States District Judge

---

<sup>1</sup> Plaintiff's Objections indicate that he attached a USM-285 form for Defendant Randolph (*see* Dkt. No. 60), but the court docket indicates receipt of no such document. Plaintiff is ordered to resubmit the USM-285 for Defendant Randolph.